

*Trion James v. Port Authority Police Department, Port Authority of New York and New Jersey, Edward Cetnar (in his official capacity), Christopher McNerney (in his official capacity), and Does 1-5*

*Civil No.: 1:22-cv-02463-PGG*

# EXHIBIT J

**ORIGINAL**

Page 1

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X

TRION JAMES,

Plaintiff,

-against-

Case NO.:

1:22-cv-02463

PORT AUTHORITY POLICE DEPARTMENT, PORT  
AUTHORITY OF NEW YORK AND NEW JERSEY, EDWARD  
CETNAR (HIS OFFICIAL CAPACITY), CHRISTOPHER  
MCNERNEY (IN HIS OFFICIAL CAPACITY), AND  
DOES 1 - 5

Defendants.

-----X

Port Authority of NY and NJ  
4 World Trade Center, 150 Greenwich Street  
New York, New York

DATE: A December 7, 2022

TIME:

DEPOSITION of TRION JAMES, the Plaintiff herein,  
taken by the Defendant, pursuant to Article 31 of the Civil  
Practice Law & Rules of Testimony, held at the above-mentioned  
time and place, before GABRIELLA TUTINO, a Stenographic  
Reporter and Notary Public of the State of New York.

JAN 13 1990

1       A P P E A R A N C E S

2

3       BALESTRIERE FARIELLO

Attorney for Plaintiff

4       225 Broadway, 29th Floor

New York, NY 10007

5       212-374-5401

BY: JOHN G. BALESTRIERE, ESQ

6       E-MAIL: JOHN.BALESTRIERE@BALESTRIEREFARIELLO.COM

7

8       PORT AUTHORITY LAW DEPARTMENT

Attorneys for Defendants

9       4 World Trade Center, 150 Greenwich Street

New York, NY 10007

10      212-435-3568

BY: MEGAN LEE, ESQ.

11      BY: ANDREW RAFALAF, ESQ.

E-MAIL: MLEE@PANYNJ.GOV

12

ALSO PRESENT:

13

Sophie Saydah, Balestriere Fariello, Paralegal

14

15

16

17

18

19

20

21

22

23

24

25

1 A. Yes. It was several weeks prior to this date.

2 Q. Did you have to take a written test to be a detective  
3 sergeant?

4 A. No.

5 (Whereupon, an announcement was marked as  
6 Defendant's Exhibit H for Identification.)

7 Q. Handing you what's marked as Exhibit H for  
8 identification which for the record is a promotional  
9 opportunity announcement for detective sergeant dated  
10 March 16, 2021. It has Bates-stamp number James 000003  
11 through 9?

12 A. Yes.

13 Q. Do you recognize that document?

14 MR. BALESTRIERE: Take your time and look  
15 through it please.

16 A. I recognize this document.

17 Q. Is that the promotional opportunity announcement for  
18 detective sergeant that you applied for sometime after  
19 March 16, 2021?

20 A. Yes. So it came out on March 16, 2021. And I had to  
21 submit my, the things they wanted before March 31st, so yes  
22 March 31.

23 Q. So you saw this announcement and responded to it;  
24 correct?

25 A. Yes.

1 A. I don't know, I don't remember.

2 Q. Have you spoken to Meyer since this incident in 2009?

3 A. Yes.

4 Q. When was the last time you spoke to him?

5 A. I don't remember.

6 Q. Was it within the last year?

7 A. No.

8 Q. Was it within the last five years?

9 A. No.

10 Q. Did you ever speak with him about this incident?

11 A. I don't believe so, no.

12 Q. Same with him, he never tried to speak to you about  
13 the incident?

14 A. No, he didn't. Never tried to speak to me about the  
15 incident.

16 Q. You said with McNerney you had never, you didn't know  
17 him before this incident?

18 A. We worked at the same command. But I did not know  
19 him.

20 Q. Have you worked with him since?

21 A. In what capacity.

22 Q. In any capacity?

23 A. No.

24 Q. Did you every speak with him after this incident about  
25 the incident?

1 A. No.

2 Q. Did he ever attempt to speak with you about the  
3 incident after the incident?

4 A. Yes..

5 Q. When?

6 A. He left a voicemail, I'm sorry, what am I saying, when  
7 you call and leave a message, an oral message, a voicemail,  
8 right. He left me a voicemail at approximately 7:00 the  
9 following morning.

10 Q. What did he say in the voicemail?

11 A. Can't quote verbatim but, he said words to the effect  
12 of, Trion this is Chris. I didn't know who it was because we  
13 don't have each others number, I didn't know who Chris was.  
14 And he said, I'd like to talk to you about last night.

15 Q. Anything else?

16 A. Meaning.

17 Q. Did he say anything else in the voicemail?

18 A. No, as a said to the best of my recollection he might  
19 have, that's all I recall.

20 Q. Did you call him back?

21 A. No, I did not.

22 Q. He left this voicemail on your work cell or your  
23 personal cell?

24 A. My personal cell.

25 Q. Do you know how he had your personal cell phone



1           please rephrase the question.

2           Q. When you were transferred to JFK in 2022, is it your  
3 belief that McNerney was involved in that transfer?

4           A. Absolutely.

5           Q. You also believe that McNerney was involved in you not  
6 being promoted to detective sergeant in 2021?

7           A. Yes.

8           Q. Is it your belief that he was involved, that he did  
9 both those things because of your involvement in what happened  
10 between in 2009 between McNerney and Meyer?

11          A. As I said that was half of it.

12          Q. What's the other half?

13          A. The testimony I gave at PIU, that's the other half.

14          Q. But the testimony that you gave to PIU involved the  
15 2009 incident; correct?

16          A. Yes.

17          Q. When were you first questioned about the incident that  
18 happened in 2009 between McNerney and Meyer?

19          A. Whatever the date says on the notice to appear at 5:00  
20 in the morning. May 18, 2021, at 0500 hours.

21          Q. So, tell me what you saw in 2009 with McNerney and  
22 Meyer?

23          A. At what point, be more specific.

24          Q. At this Christmas party that you said was in Hoboken  
25 in 2009. You said McNerney viciously attacked Meyer at a bar?

1 A. Yes.

2 Q. What did you observe?

3 A. McNerney viciously slapped Meyer in the face.

4 Q. Anything else?

5 A. Yes.

6 Q. What else did you see?

7 A. I saw an hour later, approximately, I saw McNerney  
8 punch Anthony Meyer with a closed fist twice.

9 Q. Punch him where?

10 A. The first punch, I'm not sure which eye but it was to  
11 one of his eyes. The second punch was to his mouth.

12 Q. Did Meyer do anything that you saw?

13 MR. BALESTRIERE: Objection, vague but  
14 answer if you're able.

15 A. You mean, when, like.

16 Q. Did you see Mey take any action towards McNerney?

17 A. Before or after.

18 Q. Anytime?

19 A. After Meyer was punched the first time, he held his  
20 face, the part that was punched, his eye, and he slowly  
21 started, slowly started to look down to his knees. While he  
22 was still in a standing position going down, McNerney punched  
23 him in the mouth and that's when I noticed that his eye and  
24 his mouth had exploded. Meyer then continued down to the  
25 ground into almost a fetal position.



1 Q. When you say his mouth and eye exploded, what do you  
2 mean?

3 A. Blood everywhere.

4 Q. What did you do?

5 A. Pushed McNerney away from Meyer.

6 Q. How did you do that?

7 A. With my palms open.

8 Q. What part of McNerney's body did you push away?

9 A. Shoulder and chest, slightly pushed him.

10 Q. Were you in front of him or behind him?

11 A. We were, he was facing Meyer. Meyer was standing to my  
12 left and abreast.

13 Q. So McNerney was also facing you?

14 A. Yes.

15 Q. So you never told anyone that you hit McNerney from  
16 behind; correct?

17 A. I never told anyone I hit McNerney from behind, no.

18 Q. After McNerney hit Meyer in the face and Meyer was  
19 going to the ground, did he take any other action toward  
20 Meyer?

21 A. As Meyer was going down to the ground, McNerney was  
22 going to strike him again. That is why I pushed him to get his  
23 attention.

24 Q. When you say he was going to strike him again, how do  
25 you know that?

1 A. He was, he had a clenched fist and he was in an  
2 aggressive fighting stance and he recalled his arm with a  
3 clenched fist to punch Meyer again.

4 Q. Did McNerney attempt to hit you?

5 A. That's, no that's when I took action.

6 Q. That's when you took what?

7 A. Police action.

8 Q. What did you do?

9 A. To stop the vicious attacked, as a said I shoved  
10 McNerney to get his attention so he would look to me and not  
11 at Meyer. He clenched his fist towards me and I struck  
12 McNerney.

13 Q. Where did you strike him?

14 A. I struck McNerney closed fist to the face.

15 Q. Where?

16 MR. RAFALAF: What part of the face?

17 A. The first punch was to his forehead.

18 Q. Where was the next punch?

19 A. To his, to the right side of his face.

20 Q. Did you punch him again?

21 A. No.

22 Q. Did you take any other physical action toward McNerney  
23 at that point?

24 A. At that point I was, at that point I was grabbed my  
25 another officer.

1 Q. Who?

2 A. I don't remember.

3 Q. When you -- did McNerney attempt to punch you?

4 A. After I punched McNerney he was incapacitated.

5 Q. Was he on the ground as well?

6 A. As well as who.

7 Q. You said Meyer was on the ground; right?

8 A. Yes.

9 Q. Was McNerney, did he also go to the ground after you  
10 punched him twice?

11 A. Yes, he did.

12 Q. Was he bleeding?

13 A. No.

14 Q. Did you see Meyer throw any punches or take any  
15 physical action toward McNerney that evening?

16 A. No.

17 Q. So other than McNerney and yourself, did anyone else  
18 get involved in throwing punches that evening?

19 A. No.

20 Q. Do you know whether McNerney had been drinking that  
21 evening?

22 A. Yes, he was.

23 Q. How would you describe his physical state? Do you  
24 think he was intoxicated?

25 A. Extremely inebriated, yes.